

Serial No.: 09/903,665
Filed: July 13, 2001
Group Art Unit: 1619



RECEIVED

OCT 0 8 2002

TECH CENTER 1600/2900

EXPRESS MAIL CERTIFICATE

Date 9/20/02 Label No. EL168043778US
I hereby certify that, on the date indicated above, this paper or fee was deposited with the U.S. Postal Service & that it was addressed for delivery to the Assistant Commissioner for Patents, Washington, DC 20231 by "Express Mail Post Office to Addressee" service.

PLEASE CHARGE ANY DEFICIENCY OR CREDIT ANY EXCESS
IN THE FEES DUE WITH THIS DOCUMENT TO OUR DEPOSIT
ACCOUNT NO. 04-0100

L. RANOGAJ DOUGLAS ZLW
Name (Print) Signature

Customer No.:



07278

PATENT TRADEMARK OFFICE

#9

Docket No.: 6485/16895-US2

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: GIANCARLO SANTUS, GIUSEPPE BOTTONI, ETTORE BILATO

Serial No.: 09/903,665 Art Unit: 1619

Filed: July 13, 2001 Examiner: Clinton T. Ostrup

Confirmation No.: 3102

For: **THERAPEUTIC COMPOSITIONS FOR INTRANASAL
ADMINISTRATION WHICH INCLUDE KETOROLAC**

TERMINAL DISCLAIMER
TO OBVIATE A DOUBLE PATENTING REJECTION

Hon. Commissioner of
Patents and Trademarks
Washington, DC 20231

September 30, 2002

Sir:

The undersigned is an attorney of record in the above-identified patent application and RECORDATI S.A., CHEMICAL AND PHARMACEUTICAL COMPANY, located at Corso S. Gottardo 54 - 6830 Chiasso, Switzerland, is the owner of the entire right, title, and interest in the above-identified patent application by assignment from the inventors.

The assignment document is dated April 27, 1992 and was recorded by the U.S. Patent and Trademark Office on April 29, 1992, at Reel 6111, Frame 0762 (copy attached).

RECORDATI S.A., CHEMICAL AND PHARMACEUTICAL COMPANY hereby disclaims, except as provided below, the terminal part of any patent granted on the above-identified application, which would extend beyond the expiration date of the full statutory term of commonly owned U.S. Patent No. 6,333,044 (assignment recorded by the U.S. Patent and Trademark Office on April 29, 1992, at Reel 6111, Frame 0762; same as above) and hereby agrees that the granted patent shall be enforceable only during such period that the legal title to said granted patent shall be the same as the legal title to any U.S. Patent granted on the above-identified patent application. This agreement shall run with any patent granted on the above-identified application and be binding upon the grantee, its successors and assigns.

The statutory fee of \$110.00 for a disclaimer is enclosed.

RECORDATI S.A., CHEMICAL AND PHARMACEUTICAL COMPANY does not disclaim any terminal part of any patent granted on the above-identified U.S. patent application prior to the expiration date of the full statutory term of U.S. Patent No. 6,333,044, in the event that U.S. Patent No. 6,333,044 later:

- expires for failure to pay a maintenance fee;
- is held unenforceable;
- is found invalid;
- is statutorily disclaimed in whole or terminally disclaimed under 37 CFR §1.321(a), or
- has all claims canceled by a reexamination certificate.

Respectfully submitted,



Adda C. Gogoris
Reg. No. 29,714
Attorney for Applicants

DARBY & DARBY P.C.
805 Third Avenue
New York, NY 10022
(212) 527-7700

DATE: 06/09/92
TO:
DARBY & DARBY
805 THIRD AVENUE
NEW YORK, NY 10022



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
ASSISTANT SECRETARY AND COMMISSIONER
OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

RECEIVED
OCT 08 2002
TECH CENTER 1600/2900

UNITED STATES PATENT AND TRADEMARK OFFICE
NOTICE OF RECORDATION OF ASSIGNMENT DOCUMENT

THE ENCLOSED DOCUMENT HAS BEEN RECORDED BY THE ASSIGNMENT DIVISION OF THE U.S. PATENT AND TRADEMARK OFFICE. A COMPLETE MICROFILM COPY IS AVAILABLE AT THE U.S. PATENT AND TRADEMARK OFFICE ON THE REEL AND FRAME NUMBER REFERENCED BELOW.

PLEASE REVIEW ALL INFORMATION CONTAINED ON THIS NOTICE. THE INFORMATION CONTAINED ON THIS RECORDATION NOTICE REFLECTS THE DATA PRESENT IN THE PATENT ASSIGNMENT PROCESSING SYSTEM. IF YOU SHOULD FIND ANY ERRORS, ON THIS NOTICE, PLEASE SEND A REQUEST FOR CORRECTION TO: U.S. PATENT AND TRADEMARK OFFICE, ASSIGNMENT BRANCH, NORTH TOWER BUILDING, SUITE 10C35, WASHINGTON, D.C. 20231

ASSIGNOR:
SANTUS, GIANCARLO

DOC DATE: 04/27/92

ASSIGNOR:
BOTTONI, GIUSEPPE

DOC DATE: 04/27/92

ASSIGNOR:
BILATO, ETTORE

DOC DATE: 04/27/92

RECORDATION DATE: 04/29/92 NUMBER OF PAGES 005 REEL/FRAME 6111/0762

DIGEST :ASSIGNMENT OF ASSIGNORS INTEREST

ASSIGNEE:
RECORDATI S.A., CHEMICAL AND PHARMACEUTICAL COMPANY
A CORPORATION OF SWITZERLAND
CORSO S. GOTTARDO 54 - 6830 CHIASSO, SWITZERLAND

SERIAL NUMBER 7-875700 FILING DATE 04/29/92
PATENT NUMBER ISSUE DATE 00/00/00

ASSIGNMENT

We, GIANCARLO SANTUS, a citizen of Italy, residing at Via Zuara, 8 - 20146 Milano, Italy;

We, GIUSEPPE BOTTONI, a citizen of Italy, residing at Via Don Luigi Guanella, 5 - 24100 Bergamo, Italy; and

We, ETTORE BILATO, a citizen of Italy, residing at Via S. Mattia, 23 - 35121 Padova, Italy,

(hereafter called "ASSIGNORS") in consideration of the sum of One Dollar (\$1.00) or the equivalent thereof, and other good and valuable consideration paid to us by RECORDATI S.A., CHEMICAL AND PHARMACEUTICAL COMPANY, a corporation organized under the laws of Switzerland, located at Corso S. Gottardo 54 - 6830 Chiasso, Switzerland, (hereafter called the "ASSIGNEE"), do hereby sell and assign to the said ASSIGNEE, its successors and assigns, all our right, title and interest, in and for the United States of America, in and to our invention entitled:

THERAPEUTIC COMPOSITIONS FOR INTRANASAL
ADMINISTRATION WHICH INCLUDE KETOROLAC®

invented by us and described in the application for United States Letters Patent therefor, executed on even date herewith, and all divisions, reissues, continuations and extensions thereof, the said interest being the entire ownership of the said Letters Patent when granted, to be held and enjoyed by said ASSIGNEE, its successors, assigns or other legal representatives, to the full end of the term for which said Letters Patent may be granted, as fully and entirely as the same would have been held and enjoyed by said ASSIGNORS if this assignment and sale had not been made;

And ASSIGNORS hereby agree to sign and execute any further documents or instruments which may be necessary, lawful, and proper in the prosecution of said above-named application or in the preparation and prosecution of any continuing, continuation-in-part, substitute, divisional, renewal, or reissue applications or in any amendment, extension, or interference proceedings, or otherwise to secure the title thereto in said ASSIGNEE;

And the said ASSIGNORS hereby authorize and request the Commissioner of Patents and Trademarks to issue said Letters Patent to said ASSIGNEE.

Dated:

April 27, 1992

Witness:

Alberto Ball

Giancarlo Santus
GIANCARLO SANTUS, Inventor

Dated:

April 27, 1992

Witness:

Alberto Ball

Giuseppe Bottoni
GIUSEPPE BOTTONI, Inventor

Dated:

April 27, 1992

Witness:

Alberto Ball

Ettore Bilato
ETTORE BILATO, Inventor

REF 6111 FRAME 766

RECORDED
PATENT AND TRADEMARK OFFICE

APR 29 92